

Jury Panel

The court will give a basic instruction to the prospective jury panel members and determine if any members are not qualified to serve as members of a jury. The clerk of the court will then, by lot, select members from the jury pool, to be seated as the prospective jury panel.

Voir Dire

The court will conduct the entire voir dire, or questioning, of the prospective jurors. Voir dire is the questioning process of the prospective jurors to determine their competency, interest, and ability to sit as a fair and impartial juror.

Preemptory Challenges

Once the jury panel has been approved, each side of the case is entitled to three preemptory challenges. The method commences with the prosecuting attorney making a challenge, alternated between the prosecuting attorney and the defense, until all preemptory challenges have been used. The preemptory challenge strikes or removes a name from the list. The remaining members will form the jury in your case.

Opening Statements

The trial will begin with opening statements from the prosecuting attorney and from you if you choose to do so. An opening statement is not evidence, it is merely a statement of what the city attorney and the defense intends to prove through the course of the trial.

An opening statement is not mandatory and it may be waived by either the prosecuting attorney or the defense. After the prosecuting attorney has made his/her opening statement to the jury, you may either make an opening statement, waive an opening statement, or reserve your right to make an opening statement until after the prosecuting attorney has presented its case to the jury.

Prosecuting Attorneys Case

The prosecuting attorney will then call its witnesses and introduce any physical evidence they may have and question their witnesses concerning the incidents involved in your case. After the prosecuting attorney has finished questioning each witness you will have the right to question that witness. This is called cross examination. Your questions must be relevant and appropriate to the matters the witness testified to and must bear a relationship to the incidents involved in the case.

Defendant's Case

Once the prosecuting attorney is done then you may make an opening statement if you reserved your opening statement. You may call witnesses to testify on your behalf and to question them concerning the incidents involved in the case. Just as you have a right to cross examine the town's witnesses, the prosecuting attorney has the right to also question and cross examine each of your witnesses.

Curtis Advisement

Since it is the prosecuting attorney's burden to prove each element of the offense for which you are charged beyond a reasonable doubt you are presumed to be innocent. You will be given what is called a Curtis Advisement, outside the presence of the jury, which advises you that you have a constitutional right to remain silent and if you choose to remain silent the prosecuting attorney may not comment on that fact and the jury will be instructed that they may not infer any guilt by the fact that you chose to remain silent. You also have a constitutional right to testify and if you choose to testify then you are waiving or giving up your right to remain silent and you subject yourself to cross examination the same as any other witness. If you have any felony convictions as an adult then the prosecuting attorney may introduce that information to the jury in an attempt to impeach your credibility or believability with respect to your testimony regarding the incidents involved in the case.

Rebuttal Evidence

After you have concluded the presentation of your evidence the prosecuting attorney may present additional evidence, which is called rebuttal testimony, to rebut any evidence you presented in the case. After the city attorney concludes presenting rebuttal evidence, the evidence in the case is closed.

Jury Instructions

After the evidence has been concluded by both the prosecuting attorney and the defense the parties will consider the Instructions of law which will be given to the jury in the case. If you wish to submit a specific Jury Instruction you need to do so for the courts consideration. After the Instructions have been determined the Instructions will be read to the jury by the judge.

Closing Arguments

The prosecuting attorney now has the opportunity to make a closing argument, arguing why, based on the evidence which has been presented, and the law contained in the Jury Instructions, the jury should find you guilty of the offense you are charged with committing. You then have the opportunity to also make a closing argument arguing why, based on the evidence which has been presented, and the law contained in the Jury Instructions, the jury should find you not guilty. Finally, since it is the prosecuting attorney's burden of proof they will have the last word so to speak and will be allowed to present a rebuttal closing argument.

Closing arguments are not evidence and cannot be considered by the jury as evidence. Any questions or statements which you make which are not in the form of sworn testimony cannot be considered by the jury as evidence in the case nor in the determination of its judgment.

Jury Verdict

The jury will then retire to commence their deliberations and will make its decision, based upon the evidence that has been submitted to the jury during the course of the trial. When the jury has concluded their deliberations they will notify the clerk of the court and return to the courtroom to render their verdict.

Right to Appeal

If you are found guilty you have the right to appeal your case to the District Court.